

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

STEVEN KNURR, <i>et al.</i> ,)	
)	
)	
Plaintiffs,)	
v.)	Civil No. 1:16-cv-1031-TSE-MSN
)	
ORBITAL ATK, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter comes before the Court on Plaintiffs’ Motion to Compel Defendants to Provide Discovery Regarding the Internal Investigation (Dkt. No. 148). Having reviewed the pleadings and the record, heard the arguments of counsel, and for the reasons stated on the bench, it is hereby

ORDERED that Plaintiffs’ Motion to Compel Defendants to Provide Discovery Regarding the Internal Investigation (Dkt. No. 148) is GRANTED in part and DENIED in part.

Courts disfavor claims of privilege, which “shield evidence from the truth-seeking process.” *E.g., RLI Ins. Co. v. Conseco, Inc.*, 477 F. Supp. 2d 741, 748 (E.D. Va. 2007). Consequently, a party asserting privilege bears the burden of showing specifically why that information should be withheld. *Id.* at 748 (citation omitted) (internal quotation marks omitted). The Court finds that the Orbital Defendants have not met their burden with respect to witness interview reports for the reasons stated in open court.

Accordingly, it is hereby

ORDERED that the Orbital Defendants shall produce all witness interview reports, as specified in Court, created during the course of the internal investigation by Friday, May 11, 2018 at 12:00 p.m. Defendants may redact from those reports any opinion of counsel in the form of mental impressions and thoughts, legal analysis, and marginal notes. Plaintiffs shall have the opportunity to challenge the

redactions if there is a basis for doing so. The Court finds that the common interest privilege applies to Northrop Grumman (“Northrop”), and the Motion is DENIED as to Defendants’ communications with Northrop.

/s/

Michael S. Nachmanoff
United States Magistrate Judge

May 4, 2018
Alexandria, Virginia